



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,792	11/29/2000	William J. Sequeira	600253.031	3061

61834 7590 03/22/2007  
DREIER LLP  
499 PARK AVE  
NEW YORK, NY 10022

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/725,792	<b>Applicant(s)</b> SEQUEIRA, WILLIAM J.	
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed January 9, 2007 have been fully considered but they are not persuasive.

Applicant argues that Tomoika is simply silent on several key claim limitations, and thus cannot anticipate the claimed invention. Namely, applicant argues that Tomoika: 1) does not disclose assigning an event and event identifier (applicant's remarks, page 3, last paragraph), 2) does not disclose storage of an event identifier and an event trigger (applicant's remarks, page 4, first paragraph), 3) does not disclose registering interests of at least one other event in a second table wherein the second table stores a procedure to execute for the event trigger (applicant's remarks, pages 4-5), and 4) does not disclose executing the procedure as claimed. However, applicant makes these arguments without providing an explicit or even contextual definition of what is meant by the term "event", and subsequently event identifiers, event triggers, and event related procedures, to establish differences between the claimed invention and the Tomoika reference. Therefore applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

To clarify the examiner's position in the instant office action, the examiner has relied upon the definition of "event" as provided by applicant's originally filed specification, namely page 10, lines 18-21, which essentially states an event is any type of program or selectable information listed in, or accessible through, an electronic program guide. Given this definition of what constitutes an event, Tomoika meets the aforementioned claim limitations (1-4, above) in the following manner:

1) Events are programs listed in the program guide, and are thus associated with, and identified, via program name information (Tomoika, col. 20, lines 11-24).

2) As mentioned, the event identifier is the program's name, and the event trigger is the new variation data, such as a new displacement value specifying a new starting or end time (Tomoika, col. 20, lines 11-24 and lines 45-65).

3) The second table is the management data which performs the necessary processing upon identification of an event trigger. As shown in the provided example, if an event trigger is the extension of a program by 15 minutes, then the management data, having the "interests" of other events stored, namely their relationship to said program, also is programmed with the procedure to execute upon receiving said event trigger, said procedure being adjustment of the start and end times of subsequent programming (Tomoika, col. 20, lines 45-65).

4) Execution of the procedure, as described above, is the adjustment of start and end times of subsequent programming in response to the "event trigger", or indication of a new start or end time of a particular program, identified by its "event identifier", or program name (Tomoika, col. 20, lines 45-65).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomoika et al. (6,606,748, of record) [Tomoika].

Regarding claims 19, 23, and 27, Tomoika discloses a method, system, and computer program product embodied on a computer readable medium for synchronizing and propagating changes to an event comprising:

assigning means for assigning an event an event identifier (fig. 1, which collects the program guide data and parses it into individually accessible portions of event data, referred to as "framework data" and "variation data", col. 9 line 66 – col. 10 line 45);

Art Unit: 2623

first registering means for registering said event in a first table (the first table is the aforementioned "variation data", col. 14, lines 35-45 and col. 20, lines 28-30) wherein said first table stores the event identifier and an event trigger (col. 20, lines 11-24);

second registering means for registering interests of another event in a second table (creation of the management data in the management data storage section, col. 11, lines 1-15 and col. 18, lines 47-67) wherein said second table stores a procedure to execute for said event trigger (such as for program shifts, if a first program is lengthened by an amount, subsequent programs on the same channel must then be altered accordingly, col. 20, lines 45-65);

changing means for changing said event wherein said change generates an event trigger (col. 18, lines 24-31, new variation data is a change to one or more event, and will include an event trigger generated by the information provider regarding the changes, col. 20, lines 11-24 and 45-65);

first inspecting means for inspecting said first table to identify said event trigger for said generated event trigger (fig. 2, which includes means for inspecting the variation data storage section 12B);

second inspecting means for inspecting said second table for said procedure to execute upon identifying said event trigger for said event identifier (fig. 2, which includes means for inspecting the management data storage section 12C); and

executing means for executing said procedure to change one of said other events in response to identifying said procedure upon inspecting said second table (col. 20, lines 45-65).

Regarding claims 20 and 24, Tomoika discloses the method and system of claims 19 and 23, wherein said first inspecting means uses said event identifier (to identify the even being changed, such as the duration of a particular movie, col. 20, lines 45-65).

Regarding claims 21 and 25, Tomoika discloses the method and system of claims 19 and 23, wherein said second inspecting means uses said event identifier and said event trigger (in the case of an extended movie, the movie itself is recognized by the second means in addition to the value by which its duration is being extended, col. 20, lines 45-65, when being manipulated according to the management data, col. 19, lines 1-15).

Regarding claims 22 and 26, Tomoika discloses the method and system of claims 19 and 23, wherein execution of said procedure modifies a data model (the program guide seen in fig. 5, wherein the changes taking place are shown in fig. 4).

### **Conclusion**

Art Unit: 2623

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.



Art Unit: 2623

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_


Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**